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UNITED STATES OF AMERICA.



OUR PUBLIC SCHOOLS :

ARE THEY FREE FOR ALL, OR ARE THEY NOT?

A LECTURE

DELIVERED BY

HON. EDMUND F. DUNNE,

CHIEF JUSTICE OF THE SUPREME COURT OF ARIZONA,

IN THE HALL OF THE HOUSE OF REPRESENTATIVES OF THE TERRITORIAL
LEGISLATURE AT TUCSON, ARIZONA, FEBRUARY 2D, 1875.

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INTRODUCTORY REMARKS.

It is with pleasure that the publisher of this Lecture announces the great success its sale has met with, and the many strong commendatory expressions his efforts to circulate such sound and timely sentiments have elicited. These fully warrant him in bringing out this, the second edition, to which are added some corrections and alterations, made by the distinguished author.

It is just and proper to say that this lecture was published in pamphlet form in San Francisco, Cal., so that up to this, its circulation must have reached about 50,000.

In the preface to the San Francisco edition, its publisher is pleased to add this: "It is the intention of Judge Dunne to deliver a second lecture on this subject soon, wherein some of the points barely alluded to in this will receive further treatment,—some objections will be considered, and many misrepresentations exposed. * * * * *

In granting permission for the publication of a second edition of this Lecture, Judge Dunne asks as a favor that all who sympathise, in whole or part, with the views herein expressed, will be kind enough to forward him everything they can in connection with this subject, articles for or against the views herein expressed, copies of other lectures, statistics on education, in the United States and other countries, etc., etc. The impossibility of obtaining these things in Arizona, it is hoped, will be sufficient excuse for this request."

Any documents sent to the publisher of this pamphlet will be immediately and gladly forwarded to the distinguished Chief Justice.

T. D. E.

New York, Nov. 27th, 1875.

INTRODUCTION.

[This Lecture was published in the San Francisco *Monitor* and in the New York *Freeman's Journal*. Also in two separate editions in pamphlet form in San Francisco, and has been so warmly received and so highly commended by prominent gentlemen of both clergy and laity, that upon the request of a large number of intelligent gentlemen, the Publisher has been induced to issue it in its present more convenient and permanent form, for to supply our calls on the Atlantic slope.]

The occasion of the delivery of this lecture was, that a grand ball was gotten up in Tucson during the session of the Legislature there, in January, 1875, to raise funds to start a public school building. As Catholics are not allowed their share of the school money in Arizona, some of them refused to patronize the ball. The result was that the friends of the public schools, as now managed, got very much excited and made many angry comments upon the conduct of Catholics who declined to join in the ball; whereupon Judge DUNNE asked for the use of the hall of the House to explain the reasons for the position taken by the Catholics in the matter. Permission was unanimously granted, and nearly every member of both Houses attended the lecture. The hall was filled to its utmost capacity by ladies and gentlemen of the vicinity. The Right Rev. J. B. SALPOINTE, Vicar Apostolic of Arizona, was present.

A day or two after the lecture, a bill was introduced in the Legislature providing for corporate schools such as Catholics desire. It came within one vote of passing in the Council. [See bill at the end of the lecture.]

LECTURE.

At half-past seven o'clock, Judge Dunne came forward and spoke as follows :

LADIES AND GENTLEMEN :—I desire first to thank the members of the House of Representatives for their kindness and courtesy in placing this hall at my disposal this evening. I hope the use I shall make of it will be not unsatisfactory to them in this, that possibly I may be able to present a subject of great importance to our people generally, and to them as legislators, in a light in which it has not before been considered by them. Next, I wish to thank you, ladies and gentlemen, for this unexpectedly large and certainly most flattering response to my invitation to allow me an opportunity of presenting certain views on this most important subject of education. I appreciate this compliment the more because there are so many who consider there is no need of any discussion on this subject, that they have arranged everything in this matter already, and that there is nothing more to be said about it.

The attitude of one party in the discussion in which I shall presently engage, reminds me of a cartoon I saw a short time ago in one of the London comics. A French company, with French money, after great labor, care and expense, built the Suez Canal for the privilege of a toll on the tonnage of vessels passing through it. The English merchants began, as the Company thought, to take an unfair advantage in the matter of calculating the tonnage ; the Company protested, but in vain. The Company then declared they would put out the signal-lights along the canal, so that it could not be used, until the dispute was adjusted. On this, England, as usual, blustered terribly as to the fearful things it would do if any action was had to prevent the management of the canal in the particular way in which England desired it to be managed. The cartoon gave a bird's-eye view of the canal ; a signal station in the foreground ; the President of the French Company mounting a ladder to extinguish the light, and the typical John Bull standing below shaking his fists and boiling over with rage, shrieking, " Don't you dare to put out those lights, you scoundrel, or I'll ——." The Frenchman turns with a look of amused astonishment and says, quietly : " Have you zen bought ze canal, Monsieur Jean Bull ?" The cartoon brought England to its senses, and it then concluded to be a little reasonable and discuss the question on its merits.

THE MAJORITY REFUSE TO DISCUSS THE QUESTION.

Now, there is a great deal of this John Bull bluster in the pending discussion about an amendment proposed to our school law. There is a certain class among us which wants the public schools managed in a certain way, and this class at the present moment happens to be in the majority, and so, under our form of government, is able, for the moment, to gratify its desires, and manage things just as it likes. There is a certain other and quite numerous class, which says that, while it approves of the fundamental idea of providing free schools for educational purposes, there are some details as to the working of the system which are so unsatisfactory, that it can get no benefit at all from the system the way it is now worked, and, as parties interested, they propose the amendments they desire, and ask that they be considered; that fair and honest discussion be had upon them; and if they can be shown to be in accordance with reason, good sense, and the general public welfare, that they be adopted. How are these propositions received? Are they listened to like any other proposition to amend important public laws? Are the arguments heard and a decision rendered with some reasons assigned for the action had in the matter? By no means! On this point the present accidental majority act very strangely. They immediately fly into a passion; they will hardly allow the proposition to be made; they don the war-paint at once and shriek, "Don't you dare to touch our public schools or we'll run you into the sea." Whereupon it seems pertinent to us to inquire of this majority, "Have you, then, bought the public schools? Are they *your* schools? Have we no voice in their management? Have we ceased to be citizens of this country, and been relegated to a class whose rights no one is bound to respect? Have we no longer a voice in the making of laws for this Territory? Are we serfs, slaves, vassals—from whom taxes may be wrung to support institutions from which, as they are now managed, we can derive no benefit, and must not dare open our mouths to state what we consider our grievances, on pain of being threatened with exile and death?" Is not that a strange kind of talk to proceed from an accidental majority in a Republican form of government? And how long is it probable that a majority which talks that way can maintain itself?

THE MAJORITY MUST DISCUSS THE QUESTION.

There is a real and substantial grievance existing. It bears hard upon a large body of people. They are burdened with an annual tax to support institutions from which they can derive no benefit. They feel that the action of the majority in this case is not only an inroad upon their pockets, but an outrage upon their rights. They assert that a species of legalized robbery is being perpetrated upon them to an enormous and unsupportable extent. No outrage of this kind can be perpetrated for any great length of time in a free country. Therefore it is

useless for the present majority to get into a passion about this matter, and try to bully it through. Neither is it entirely in accordance with the spirit of our institutions to incite a social war on this question, and seek to proscribe, ostracise and malign those who happen to differ in opinion from the present majority as to how free schools can be best conducted for the general good. This majority talk a great deal about the duty of people being liberal in their views; but what they seem to mean is, that the liberality ought to be all on one side; that other people ought to yield to them in everything. But as to any yielding on their part, no!—not the ninth part of a hair.

MONARCHISTS SAY REPUBLICANS CANNOT REASON!

Are you (and I speak now to the general majority on this question throughout our country) are you, by your action on this matter, disposed to confirm the great argument made against our Republican form of government by the advocates of monarchy in Europe? Do you know what Lord Brougham, one of the greatest of European political writers, says of us on this point? Listen; here are his words: "When the predominance of one party in a Democracy has once been fully established, there is no safety for those who differ with it by ever so light a shade. The majority being overwhelming, all opposition is stifled. No man dare breathe a whisper against the prevailing sentiments, for the popular violence will bear no contradiction. Hence the suppression of wholesome advice, the concealment of useful truths. It becomes dangerous to declare any opinion, however sound, which is unpalatable to the multitude. Truth must no more be told to the tyrant of many heads than of one. Nay, mere flattery becomes the food generally offered up; and he who goes before others in the extravagance of his doctrines or the violence of his language, outbids his competitors for popular favor. This vile traffic is alike hurtful to the people, and to those who deal in it. The former are pampered and spoiled, the latter are degraded and debased. * * * In the United States, as all travelers are agreed, the tyranny of the multitude exceeds the bounds of all moderate popular influence. No person dares say anything that thwarts the prevailing prejudices, or the popular opinions of the day." (3d Brougham Polit. Philos., p. 120.)

Are you going to admit the truth of all this, by the manner you treat our complaints in this matter? Have you not, to a great extent, already done so? When a man has the hardihood to express his honest convictions on this subject, and seeks to give his reasons therefor, do the people generally try to consider those reasons, or do they close their ears against his argument and begin to abuse him, charging him with being a senseless bigot, a secret enemy to the fundamental principles of our government, a traitor at heart, and one against whom the machinery of our social organization should be vigorously directed to effect his entire

destruction? How is it about this? Are you sure you are treating this matter in accordance with the general spirit of our institutions? I hope you will notice a little the manner in which your neighbors talk and act upon this question. If you do, I am confident you will find a great deal in the conduct of the majority which, upon candid reflection, you must thoroughly condemn.

I desire to pay full tribute to the liberal, sincere and honest purpose of those who have come forward to meet me here to-night. I see here many representatives of this majority, whose general action I consider so much in conflict with the spirit of our institutions; but those who come here to listen to my arguments take themselves out of the rule of their class. They assert their mental superiority to the majority of that class; they prove themselves true Americans, true Republicans, true Democrats; people worthy of self-government; people who are willing to "hear" before they "strike."

GENERAL PROPOSITIONS STATED.

And now, ladies and gentlemen, let us come to the question. We, that is, those for whom I now argue, maintain:

- 1st. *That the State has no right to teach religion.*
- 2d. *That the State has no right to teach irreligion.*
- 3d. *That the State has no inherent right to teach at all.*

Now, I do not deny that the questions raised are the most serious ones that were ever proposed to the law-making power of any State, and therefore I shall, in all subsequent stages of this argument—for I expect it to last for some time—freely admit that there is a tremendous conflict of opinion among men in general on these propositions; and I shall patiently listen to every argument produced against them, and so far as it naturally becomes incumbent on me, shall do my best to honestly answer all such arguments: but I cannot admit that there is any difficulty about the true decision on one question. I think the truth of the propositions will be evident to every person candidly examining the subject, and who may be admitted to have a reasonably correct idea of what a State is, and what "education" means. Also, I must, in justice to my side of the argument, remind you, as you very well know, that I could not reasonably be expected to be prepared at this moment for a full consideration of so important a question. You know that I have very recently come among you; that I am now engaged in holding a session of the Supreme Court; that this discussion has been suddenly precipitated by local action; and that what I say now is almost "off-hand," but it will do for a beginning. I will open the argument for you. You have among you the keenest and sharpest intellects in the land, and some of them will very probably find some points I have not fully covered, and I may have to acknowledge a hit, now and then, which will

require explanation; but, if I cannot, in the close, make a good case, I shall find no fault if you show good reason for deciding against me. Also, I must necessarily, in the brief time which I can have for setting forth our position, often confine myself to stating what I conceive to be the truth in the matter, without fully arguing it. That will come more in detail hereafter.

THE STATE MUST NOT DIRECTLY INTERFERE WITH RELIGIOUS TEACHING.

Now for the first proposition, that the State has no right to teach religion. "Oh, we admit that," you will say; "we will admit that as fully as you wish. No need of any discussion about that." Very well; I would be glad to know that you admitted it, and were willing to admit it, with all its *necessary consequences*. Some people say they fully admit a proposition; but when you make an application of the admission which necessarily follows, and which they do not like, they "go back on you," as you say here, and claim that they admitted it, with that qualification. They will not argue as to whether it necessarily follows, but will stolidly maintain that the exception is a part of the general proposition. They will then neither admit nor deny generally, nor state any proposition to which they will unqualifiedly adhere. They "stand mute." In England, they used to have the "*peine forte et dure*" for such cases; and, if there ever was a case where, playfully speaking, its application could be justified, it is where a person pretends to argue, and insists upon arguing, and yet will not take any decided ground upon the point in issue, as I fear I may have to charge this majority with doing, in some things, before I get through.

Well, you admit, then, that the State has no right to teach religion.

THE STATE MUST NOT INDIRECTLY DO THAT WHICH IT IS FORBIDDEN TO DO DIRECTLY.

Herein comes our second proposition, that the State has no right to teach irreligion—that is, to teach in such a manner as to seriously interfere with the religious education of the child. Now we come to what some people claim to be debatable ground.

When the public school system of this country was first brought forward, it was established on the theory that the State had a right to insist that the children of the country should receive instruction in virtue, morality and knowledge, in order that they might become good citizens. You will please notice that virtue and morality were put first, and knowledge—that is, mere intellectual culture—was put last, as it should have been. (See the early State Constitutions on the matter.)

Under this theory public schools were established, and what were claimed by the State to be principles of virtue, morality and general knowledge were taught. After a while a great many people became dissatisfied with the system, so far as it professed to teach principles of virtue, and morality—the most important things. Prayers were offered

up in the schools, and versions of the Bible were read and commented upon, by teachers, who had their own views on the subject. Objections were made to these comments. To satisfy these objections, a modification of the system was admitted, that hereafter the Bible should be read "without note or comment." It ran on for awhile in this way; but then the objection was made that the versions of the Bible read were not true versions, and that, therefore, the Bible, truly speaking, was not read, and that false notions in religion were thus taught. Then another modification of the system was permitted, which forbade the reading of any version of the Bible whatever. The majority thought that now they had got the school law in such shape that all would be satisfied; but it was found that there still remained a large class which claimed that, even without any direct teaching of religion, the system as managed had the effect to teach irreligion; and they asked to be allowed to withdraw their children from the so-called public schools, and educate them in virtue and morality themselves, in separate schools, and receive their proper share of the public money.

DRAWING THE LINE.

Charles Lamb, dear, delightful Elia, says all people draw the line somewhere, and that he believed in drawing it at roast pig; that roast pig was one of the most delicious things in existence, and that any man who differed with him as to the primary and paramount excellence of roast pig was not to be trusted. Now, right here on this point—the demand for separate schools, where the principles of virtue and morality might be taught in accordance with the wishes of the parents—the present accidental majority concluded to draw the line, and stand upon it; and there's the fight, there's the issue, there's the proposition we have to discuss. The present majority declare they will stand or fall by the system on this point; but while they have the right to say they will stand or fall in their support of the system on this point, they have no right nor power to say that the *system itself shall thus stand or fall*. We have a say in the matter ourselves, and, if our views prevail, the present majority becomes simply a minority, and then "they will know how it is themselves." They will then find that all their talk about *our* people being opposed to the education of the masses, and their people being in favor of it, is mere talk. Then, for the first time in their lives, they will be compelled to study history; they will be compelled to *prove* their case, not assert it as they have been doing. They may think they have read history, properly speaking, but they have never done it. They read Macaulay and Motley and Froude, and such writers, confessed partizans, and think they understand the case. They have simply read the brief on their side. But suppose I should hear the argument on one side only in my Court, and decide accordingly, how would you, as a whole, like it, and how near do you think I would get to a true understanding of the point in issue? No; I have to hear both sides. How many of the majority have

done it on this question? and how do they dare decide without examining both sides? They would impeach me if I undertook to do it where even a paltry hundred dollars was involved; and in turn, I suppose, I may have the liberty of impeaching them, and charging that they will be false to their duty, as citizens of this Republic, if they dare decide on such a momentous issue as this now pending without patiently and reasonably hearing, and dispassionately considering, the arguments on both sides. And if, after such hearing, they fail to do their best to carry out the policy of the law, as indicated by the adoption of the different amendments referred to—namely, that, wherever a grievance is shown to exist, they should endeavor to so amend the law as to abate such grievance. It will be a poor argument to say that the law cannot be improved upon. Did all wisdom die with the framers of the law as it stands? Is there no room for farther progress?

PARAMOUNT IMPORTANCE OF RELIGIOUS INSTRUCTION.

Now, let us look at the line of the argument. Those for whom I have, perhaps, rashly, undertaken to speak, claim, first, that education means something more than teaching children how to read and write and cipher; that education is a harmonious development of all the faculties—moral, mental and physical; and that of all training in education, the moral—that is, religious—training is the most important.

I know that many dispute this proposition; but the Book of books, whose teachings all among us who recognize any authority at all in religious matters reverently accept, proclaims this truth in a thousand ways. It is the Alpha and Omega of the book, and is summed up in the phrase, "What shall it profit a man to gain the whole world and lose his soul?"

If we turn from the pages of inspired wisdom to those writers who are guided by reason alone, we find that the greatest men of all ages and all civilizations have given their unqualified assent to this proposition.

Where the placid waters of the grand Pacific lave the shore of bright Cathay, ages and ages ago the words of old Confucius rang out clear and strong, that without morality there could be no society. From thence we can make the circuit of the globe, touching all civilization as we pass, until we plant our feet again upon our beloved Pacific slope; and wherever we look we shall find this doctrine taught by the master minds of every age and every clime.

Away back in the country of the Brahmans, in the Ordinances of Menu—claimed to be older than the books of Moses—we find the paramount importance of religious instruction fully recognized. In its twelve books, and more than twenty-five hundred sections, it establishes the law in all things—divine and human, public and private, civil and criminal, social and political—but it treats first of all of the Supreme God, next the duty of knowing His law, next the penalty for despising it. "Whatever man * * shall treat with contempt these two roots

of the law (*Śruti*, revelation, and *Smṛiti*, tradition,) he must be driven as an atheist and a scorner of revelation from the company of the virtuous." (Ch. 2, Sec. 11, p. 14, Jones' Inst. Hindu Law.)

Coming a little further West, we find that Zoroaster, the prophet and law-giver of the ancient Persians, in the *Avesta*, their book of books, places the same doctrine first in importance. In the wilds of Arabia we find the code of Mahomet, the Koran, given to the world. Every one of its ninety-four chapters begins with the words, "In the name of the most merciful God," and from beginning to end it accords with the doctrines before enounced—so much so, indeed, that we find a great poet declaring, in the mellifluous language of the people among whom we are here dwelling :

"No hay mas que un solo Dios—dice el Cristiano;
No hay otro Dios que Dios—el Africano."

The Hebrew Talmud, in its six principal books, gives precedence to religious instruction, as you will find if you consult either the Palestinian or the Babylonian compendium.

The grandest of the old Pagans, the broad-browed Plato, whose genius carried him beyond all the knowledge of his people, gave noble testimony in favor of the paramount importance of religion, which the wisdom of over twenty centuries has not been able to successfully contradict. He says: "Ignorance of the true God is the greatest pest of all republics; therefore, whoever destroys religion destroys the foundation of all human society." (*Lib. X. de Leg.*)

Cicero, of whom comment is unnecessary, was forced to the same conclusion. He, too, says on this: "Plato, thou reasonest well." He declares "it is necessary that the citizens should be first persuaded of the existence of gods, the directors and rulers of all things, in whose hands are all events; who are ever conferring on mankind immense benefits; who search the heart of man; who see his actions: the spirit of piety which he carries into the practice of religion; and who distinguish the life of the pious man from that of the ungodly man." (*De nat. deor.* 2.)

Seneca, too, the great moralist, writes: "The first thing is the worship of the gods, and faith in their existence; we are next to acknowledge their majesty and bounty, without which their is no majesty." (*Epist.* 95.)

Following civilization in its westward course, let us see what they say in France. I could cite a hundred authorities, but I will take one almost universally respected in America because of the careful study he made of our institutions—De Tocqueville. On this point he says: "Religion is no less the companion of liberty in all its battles and its triumphs, the cradle of liberty, and the divine source of its claims. The safeguard of morality is religion; and morality is the best security of law, as well as the surest pledge of freedom." (1 Dem. in Am., p. 44.)

What do they say in England? I shall quote authorities, I am sure, few of you will question. Prof. Huxley, whom, certainly, none of you

will accuse of narrow views in religious matters, says: "I protest that, if I thought the alternative were a necessary one, I would rather the children of the poor should grow up ignorant of both those mighty arts—reading and writing—than that they should remain ignorant of that knowledge to which these arts are means." (Lay Sermons.)

Herbert Spencer, one of the shining lights of what radicals call "advanced thought," scoffs at the idea that mere intellectual culture can make, or does make, good citizens. He says: "Are not fraudulent bankrupts educated people, the getters-up of bubble companies, and makers of adulterated goods, and users of false trade-marks, and retailers who have light weights, and owners of unseaworthy ships, and those who cheat insurance companies, and those who carry on turf chicanery, and the great majority of gamblers? Or, to take a more extreme form of turpitude, is there not among those who have committed murders by poison, within our memories, a considerable number of the educated—a number bearing as large a ratio to the educated classes as does the total number of murderers to the total population? This belief in the moralizing effect of intellectual culture, flatly contradicted by facts, is absurd—*a priori*. What imaginable connection is there between learning that certain clusters of marks on paper stand for certain words, and the getting of a higher sense of duty? * * How does the knowledge of the multiplication table, or quickness in adding or dividing, so increase the sympathies as to restrain the tendency to trespass upon fellow-creatures? * * This irrelation between such causes and such effects is almost as great as that between exercise of the fingers and strengthening the legs. One who should by lessons in Latin hope to gain a knowledge of geometry, or one who should expect practice in drawing to be followed by an expressive rendering of a sonata, would be thought fit for an asylum; and yet he would be scarcely more irrational than are those who, by discipline of the intellectual faculties, expect to produce better feelings." (Spencer's Sociology.)

Now, let us follow the Star of Empire across the Atlantic, and we shall find the same sentiment re-echoed by the "Father of our Country." Our own Washington has left us these words of warning: "Let us with caution indulge the supposition that morality can be maintained without religion; whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles." (Farewell Address.)

We have here an overwhelming amount of authority from the teachings of the wisest men of every age, reaching back to the farthest glimpses we can catch of the dawn of civilization among men, and extending down along the path of history in glorious array until we come to the days in which we ourselves live, move and have our being. Are you willing to turn aside from the aggregated wisdom of the world, and throw yourselves into the embrace of a few mad fanatics, who think

they are wiser than the whole world; who scoff at the experience of ages, and declare that everything is wrong, that everybody has been mistaken in everything ever since the world began, and that they are the only ones who have any correct idea about anything connected with the social order? Are you ready to admit that, to be right, you must reject all the old ideas about Divine authority, reward of industry and sanctity of home, and accept instead the proposition that the true idea is divinity in majorities, communism in property, and freedom in love; that all authority is in the majority; that all holding of worldly goods in property is theft, and that all holding of wives in marriage is tyranny? Is it possible you are willing to accept propositions which, by necessary consequence, lead to these doctrines? The fellows who preach these things are generally uneasy spirits, wild Bohemians, reckless devils, who never have any property or wives of their own, and who acknowledge no law but their own will; and I can very easily understand why they wish to have unlimited license to make as free as they like with the possessions of others. But why a serious, practical people, such as Americans claim to be, should be found consorting with such a crowd, I do not understand; yet they are keeping step with the Communists in the onward march to Socialism as faithfully as the latter could wish. All that communists ask, is, that the will of the majority shall be the only law, and Americans are gradually accepting the principle, and are thereby preparing for themselves, in the near future, a struggle for the preservation of the American State, compared with which the one we have recently passed through would be nearly what a dress parade is to actual war.

THEORY OF THE MAJORITY AS TO RELIGIOUS INSTRUCTION.

Most of you will probably tell me that you agree with all I say about the necessity of religious instruction; but that the only difference between us upon that point is as to where it shall be given; that, in your opinion, this religious instruction can be given sufficiently well at home, and once a week in special schools organized for that purpose, commonly called Sunday Schools; and that the effect of this home and Sunday teaching will not be seriously interfered with by sending the child six days out of seven to schools where all religious teaching is ignored. Is not that a very perfunctory manner of disposing of so important a subject? Has not the moral tone of our community, under the operation of this theory, already fallen below that standard at which a nation is safe even in the hands of its own people? Do we not need more morality in the community, more people who believe in God? Are not our public men too corrupt? and do they misrepresent the people as much as many think? Is there not a screw loose somewhere in our social organization? and do you not think the system of ignoring religious instruction six-sevenths of the time in the life of our young people has something to do with it? Is not such a consequence the natural out come of such a system? Can we maintain our social organization without a high stand-

ard of morality? and do you think we shall get it from a system of godless education? Can any society keep together long which has not the Divine idea at the very centre of the system about which all things revolve, toward which all things tend, and which directs and controls every part of the organism? Can a society, founded without this idea, have any lasting, cohesive power in it? Must not such a society soon resolve itself into its individual elements, and the scattered fragments fly asunder in ail directions?

WHAT THE MINORITY SAY ON THIS POINT.

Now, then, we come to a practical proposition, on which we do not agree at all; and if we can reasonably show that our religious instruction, given at home and in the Sunday School, *is* seriously interfered with by the present system, and to an extent which, in conscience, we cannot sanction, then your proposition is refuted, and our plea for separate schools where this most important of all instruction can be given and the effects of it maintained stands good; for remember what I said to you in the beginning about necessary consequences. You have admitted the paramount necessity of religious instruction. This means by necessary consequence that nothing whatever shall be allowed to stand in the way of religious instruction; that whatever seriously conflicts with it must yield. This is your own admission. All that is necessary now for us to make our case is, to show that the system, as at present managed, *does* seriously interfere with the religious instruction we desire to give our children. Now, if you would receive as proof on this point the admissions of some of your own leading Protestant ministers, I would have no difficulty whatever in making our case. They frankly admit that any Catholic child who attends the public school is almost certain to lose his faith, that millions of children of Catholics in this country have been drawn from the faith of their fathers by this means already; and then they rub their hands and joyfully exclaim: "The good work goes bravely on!" They say to their zealous adherents: "Keep up the system as it is, and by means of it we can destroy the faith of millions and millions of Catholic children in this country. Keep up the cry for our public schools; *force* Catholics to send their children there, and by means of the machinery at our command, our text books, our teachers, and our children, we will grind the Catholicity out of them." Do you call for proofs? I think it probable that there is not one of you who has not heard the declaration made by Protestant ministers and teachers in more or less express terms, or who does not at heart really believe it. I have often heard it made. Bishop McQuaid, in the lecture I herein refer to, says: "A famous Presbyterian minister openly avowed that the Bible and the common schools were the two stones of the mill that would grind Catholicity out of the children of Catholics." A Methodist minister boasted that Catholics had lost in twelve years 1,999,000. In corroboration of the statement, Rev. Dr. Clark, of Albany, an outspoken bigot,

who tells more truths than his friends care to have him tell, says "that multitudes have yielded to the influence of our institutions, and that the most effectual agency in this work has been our admirable public school system." (See lecture.)

Is this, after all, the explanation of the singular conduct of the majority whenever we complain of the working of the system? Is this the reason why they wish to smother all discussion as to the operation of the law? Does this account for the singular frenzy, whether simulated or real, which they exhibit whenever we ask for an inquiry into the subject? We do not admit to you that it is the reason of our opposition to the system as now managed; we do not put it in the form of an admission; we do not insinuate it; we *charge* it in the plainest, boldest, strongest language we can command. We oppose the present management of the system, for the very reason that your Protestant ministers give in support of it; that it does grind the Catholicity out of Catholic children; that it does directly nullify our religious teaching; and, therefore, that it does, in some instances, indirectly teach your religion, and in all other cases directly teaches irreligion. There are eight million Catholics in this country, who show in this that they have one of the greatest grievances of which any people were ever able to complain; for what is more sacred than the faith of one's fathers! Now, you may refuse to receive the authority of your own ministers and teachers in this matter. If so, we must open the discussion here, *de novo*, though of course we shall not allow you to set aside altogether the declarations of your own representative men.

You say our proposition is wrong because it seeks to make the State interfere with religion, by having it taught in schools supported by the State. Now, we are arguing here at cross purposes. One or the other of us is either mistaken or insincere. You say the State should not meddle with religion. So do we, and yet we do not agree. The truth is, we agree on the major but differ on the minor. Your syllogism is, the State should not meddle with religious teaching; the public schools do not meddle with it; therefore, so far they are right. We say, the State should not meddle with religion; the public schools do meddle with it; therefore, so far they are wrong. We must discuss the minor.

Now, look at your proposition, that attendance in the public schools as they are now managed, will not seriously conflict with the religious training given in the Sunday School, in the case of our poor children. You must remember that this question mainly concerns the poor. The rich of all classes who value religion send their children to private schools. The mass of poor children get no religious training at home of much practical value. You say, then, that the child can be sent for an hour or two on Sunday to the Church, and that that will be sufficient training in its religious belief; that that will be sufficient to give it a good, healthy, practical and abiding religious faith. Is this proposition reason-

able on its face? Does it not carry its own refutation with it? We all know how powerful are the effects of association on adult minds, fully formed and fully convinced of certain truths; but with the tender, unformed, imitative but not reasoning mind of a child, association and example are the most powerful and effective of all teachers. A child cannot understand general principles, but it can imitate an example perfectly. You may give it elaborate lectures once a week on the truths of religion; but, if you place it the remaining six days of the week in an institution where religion is ignored, you not only lose the opportunity of making a practical application of those principles in the way you understand them, which it is admitted you have the right to do, but you subject it to all manner of counter influences. You value the retention of these principles by your child dearer than you do your life. You know that it is only by infinite labor, unceasing diligence, and careful example, that you can hope to get these principles firmly implanted; and yet, at the very time you are trying to do this, and at the only time in life when it can be done, you are asked to expose your child to an association where he will find those principles met by flouts, scoffs, sneers, laughter, ridicule and contempt—influences most potent with the youthful mind. Is it possible you can candidly claim that such associations will not seriously interfere with the child's belief as to these principles? Why, even mathematically speaking, is it not at least six to one that it will? Can any child be expected to assert and act upon its principles under such circumstances? Does it not require an unusual amount of moral courage for the adult man to announce his principles or convictions in a community where such principles are not to say merely unpopular, but are hated and despised? Why, I have drawn down a storm of indignation on my head in this community, away out here on the frontier, where people are said to be so large minded, so free from bias, so tolerant of all opposing views, for simply daring to utter my honest convictions on this very matter. I know of exhibitions of feeling in this community, consequent on this declaration of my opinions, which if pointed out to me by a critical foreigner disposed to question the liberty of speech among us, would cause me to blush for my countrymen. Do you think it reasonable to ask me to send a little child of mine, upon whose tender mind I am trying to impress my opinions, as I have a right to do, six days out of seven into a community composed in the main of children of these same people who think my opinions so bigoted, heretical and damnable? Is it reasonable to say to me that my child will not be seriously influenced in its opinions by any association it may meet with there? Are you mocking me when you talk thus, for surely you cannot seriously maintain such a proposition? You may say to me that my child must expect to meet with a conflict of opinion as to these principles. Yes; when I have completed its education, and when I send it out to act its part in the battle of life, I am willing it should; but I want it to have a chance to form some definite opinions first, and understand the reasons

for them, not to grow up another Frankenstein—a creature formed like a man in all respects, except that the moral faculties are left out; an intellectual monster turned loose upon society with no other motive in life than to gratify its desires and keep out of the Penitentiary!

I grant that, in your case, your proposition is true. It is true that your children do not find the influence of the public school, so far as it is manifested by actual expression of opinion, to be seriously in conflict with their home or Sunday teaching, and you are right enough in upholding the public schools for your children, if you are satisfied with them, but the very fact that your proposition is true, so far as *your* children are concerned, is or ought to be sufficient, without any further talk, to prove that it is not true as far as *our* children are concerned. Here are two classes of children receiving at home and on Sundays diametrically opposite instruction on religious questions. For six days in the week they are exposed to a common influence—negative or positive, I don't care which—in religious matters. Now, is it necessary to have any further talk to prove—to demonstrate, one might almost say—that just so far as that influence is satisfactory to the parents of one class it must to the same or a greater extent be unsatisfactory to the parents of the other class? Being a matter of conscience, it is not capable of compromise, nor a subject which can be generally averaged by balancing against it some worldly advantages obtained by the association complained of. It puts a dead lock on the machinery of the system so far as we are concerned. The machinery can be readjusted so as to enable us to use it, and with no injury to the machine. But you say, Hands off! Why so? Are we not part owners of the concern? And if you want to run it for your own exclusive benefit, why don't you offer to buy us out first? But no; you insist that you shall have all the benefits, but that we shall help bear the expense the same as if we were being fairly dealt with. Is not that rather a high-handed proceeding? Is there much justice or equity in that kind of conduct? Suppose the tables were turned, do you think you would be of the same opinion still? Suppose we had a school here composed in the main of children who think as I do, teachers all of my opinion, studying from text books written by men of my opinion, and colored as far as possible to favor my opinion, without directly stating it, would you be willing to send your little children to such a school, six days out of seven, simply because we might be able to say, "We do not *in express words* teach our doctrine there." And suppose some of you say you would, what would that prove? Would it prove anything more than this, that you do not care as much about your opinions on religious subjects as we do, or that you do not think the effect of those silent influences on the mind of your child would be any serious objection? Is not that all it would prove? Some of you may not have any religious convictions. Some of you may be indifferent to all religious opinions. Some of you may take the ground I have often heard Americans take, that it is wrong to teach a child any religious doctrine;

that you should not prejudice its mind; that you should let it choose for itself when it grows up, free from any previous bias. Such people may be willing to send their children anywhere; but because they are of that opinion, does that give them any right to say that nobody else ought to have a different opinion? This question cuts deep; it goes to the very principle of civil and religious liberty. Wherever we have had a majority—and there has been any considerable number who claimed they could not, in conscience, attend our schools—we have set you an example of liberality; we have accorded to such minority the same privileges we now ask of you. In Lower Canada we were nine to one against you, nearly twice as great a majority as you have over us here, yet we gave you there the very liberty we now demand. We have done it in every country in Europe where we had the power, and the substantial grievance existed. You do not believe this; but, as I told you before, you are not well read up on the subject. You have been reading one side only. When you come to examine the whole case, you will be astonished—nay, you will be amazed—to see how your intelligences have been played upon by partizan writers. Some of you may think you are very liberal in consenting to tolerate our religious faith in this country, and that we ought to be modest in our pretensions. Permit me to remind you that you do *not* tolerate us here. No; no more than we tolerate you. None of us are here by toleration; we are all here by *right*. Will you accept the declaration of the Supreme Court of the State of Ohio as some authority on this proposition? Here is what the Court says: “It is not by mere *toleration* that every individual here is protected in his belief or disbelief. He reposes not upon the leniency of government, or the liberality of any class or sect of men, but upon his natural, indefeasible rights of conscience, which, in the language of the Constitution, are beyond the control of any *human* authority.” (Bloom vs. Richards, 2 Ohio St., 387; McGatrick vs. Wason, 4 Ohio St., 566.) You may think we attach too much importance to this question of religious instruction; but that is our affair, not yours.

SUMMARY OF WHAT THE MINORITY CLAIM.

I have attempted to state to you our argument. I know, in the hurried preparation I have made, I have not done it justice; but the main points are these:

- 1st. Religious instruction is of paramount importance.
- 2d. Each parent has the right to say what religious instruction his child shall receive.
- 3d. We cannot, in conscience, send our children to the public schools as they are now managed, because they nullify our religious instruction.
- 4th. The public schools are public property, supported by public funds, in the management of which the whole public has an equal right to be heard, and to have the interests of the whole public considered.

5th. We have a right to demand that such change shall be made as will enable us, in conscience, to avail ourselves of the system of maintaining schools by enforced taxation, so long as we are contributing to the support of that system.

6th. We have a right to present amendments which will be satisfactory to us, and urge their adoption.

7th. On such presentation, it is the duty of the majority, if the existence of the grievance is proved, either to adopt the amendments offered by us, or some others which will subserve the general welfare.

8th. If the majority refuse to do either of these things, it is their duty either to give us the portion of the fund we have ourselves paid in, and let us manage it ourselves, or else relieve us from the obligation of making such payment.

SOME OBJECTIONS CONSIDERED.

I have stated our propositions. I have supported them by such argument as at present occurs to my mind. I shall present other arguments when I come to answer objections. Now, let us see what some of these objections are. At the very outset I am met with this argument by many persons: "What is the use of raising this question? It is merely making a fight for nothing. The majority are dead set on this matter, and you can never move them. Why will you disturb things and evoke a discussion which can be only time lost after all?" I must claim that that is a very poor argument. Some one has said that one great difference between a man and a mule is, that a man can change his mind, but that a mule can't. Now, I believe we have a good many men in this community who can reason. I feel so confident of it that I am willing to undertake an argument with them. I have seen majorities change ere now. Some years ago an old and valued friend of mine introduced a certain bill in the California Legislature; and you may judge how little prospect of success he had when I tell you that, before he could ask its reference to the proper committee, one of the majority broke in on him, and moved to lay it on the table. Another moved an amendment, that the bill be pitched out of the window, which latter motion prevailed. It was, as I am informed, then resolved that the bill was too filthy a thing for any officer of the House to touch, and that the Sergeant-at-Arms should get a fire tongs, and by means of them execute the will of the House. Well, there was a cheerful fight for a man to enter on, surely! Now, do you know that I sat in that very Legislature only a few years after, and saw that same identical bill passed almost by acclamation? That was the bill to allow negroes to testify in courts of justice. So you see fights may be won, even though they don't look very promising at the start. When one has right on his side, he must win among a free people sooner or later, if he is only true to his cause. We feel that we are right in this matter; that we are entitled to our belief, and that it is a matter of conscience for us to declare that belief—nay, to

proclaim it everywhere, to blazon the truth upon our banners, and then what? Fold them carefully, and hide them away, lest some offense be taken? No! Our duty is to fling them to the breeze, sound the note of battle, throw ourselves body and soul into the fight, do our "level best" to win; then, if the Fates be against us, if the glory of victory is to be reserved for other warriors later in the fight, why, so be it; but we shall have done our duty. No man can do more, and no man can claim to be a man if he is content to do less.

HOW THE SYSTEM IS WORKING.

The next great argument I hear is this: The system is working very well as it is. It is one of the most glorious institutions of our country. It provides for the education of the poor of all classes, giving them an opportunity to get that knowledge which will enable them to rise from their poverty and become worthy citizens of this great Republic; that, in a country with universal suffrage, the education of the masses is necessary to prevent the Republic from going to destruction, and that this is the only means by which it can be done.

Well, in the first place, there are two questions which must be answered in the affirmative before it can be said that the system works well as it is.

1st. Supposing that the children of the masses do attend the schools, is the instruction given there such as would naturally tend to make good citizens?

2d. Do the children of the masses attend the schools as established? or, if they do not attend, is it because they have no insuperable objection to attending?

We contend that the first question cannot be answered in the affirmative, and refer to Herbert Spencer as one authority in support of such contention, and would refer to more and argue the question fully, were it not that, after warning you of your error—if you are willing to patronize such schools—we have no objection, personally, to your doing so. We deplore the results that will, in time, inevitably flow from the system, and shall probably, from time to time, warn you of the consequences, and implore you to save the youth of this country, and the country itself, from the evils of godless education; but, if we cannot persuade you to try to save your children, we ask to be permitted to try to save our own.

We contend that the second question cannot be answered in the affirmative. We allege that the children of the masses do not attend the schools, and that an immense number refuse to attend because they cannot, in conscience, do so.

In denial of the allegation that the system works well as it is, I shall present some statistics taken from an able lecture on this subject by the learned Bishop McQuaid, of Rochester, New York, delivered in Cleveland, Ohio, the 17th of December last. He says: "In the city of

Rochester the system is tottering under a load of High School, with Latin, Greek, French, German, music, drawing and contingent expenses. To cut down expenses, they have resolved to buy no more feather dusters and charcoal. Yet, in Rochester, taking their own figures for one of the most favorable months in the year, they have only a few over 7,000 children in their schools; the Catholics have about 5,000 children; the Lutheran, Episcopalian and private schools have about 1,600—in other words, only about one half the children attending schools in the city are in the public schools.” (See Lecture referred to.)

Evidently the system is not working very well in Rochester! It will not do to say the schools are open, and that the rest could attend if they wished. There are 5,000 of them in one body who cannot attend on account of conscientious objections—religious objections, which every one is bound to respect. He says further: “The system is breaking down in Cleveland, Ohio, because there are there over 7,000 children in Christian free schools, and not in the public schools; because, in Cincinnati, nearly one-half the children in the city going to school are to be found in Christian free schools; because, in New York City, there are about 30,000, and a like number in Brooklyn, whose parents prefer Christian to public schools. There are manufacturing villages in the New England States, as Chicopee, Putnam, Baltic, and others, in which the proportion is still greater. I have heard of one place having 400 children in its Christian schools, and only thirty in the common schools.” (See the Lecture referred to.)

If you will examine the Catholic Directory for 1875, you will find reports from over sixty Bishoprics and Archbishoprics in the United States, showing that there were nearly half a million children in attendance at Catholic schools in this country in the year 1874, and that over one-third of a million were being educated in Catholic free schools, all of whom are by right entitled to their share of the public school fund, but who are deprived of it now by the unjust and arbitrary legislation of the present majority. To give some instances in round numbers, you will find 1,000 in Wheeling, 2,000 in Springfield, 3,000 in Louisville, 4,000 in Erie, 5,000 in Hartford, 6,000 in Galveston, 7,000 in Boston, 8,000 in Albany, 9,000 in Milwaukee, 10,000 in Alton, 11,000 in St. Louis, 12,000 in Buffalo, 15,000 in Detroit, 17,000 in Pittsburgh, 18,000 in Brooklyn, 20,000 in Philadelphia, 21,000 in Newark, 22,000 in Chicago, 23,000 in Cincinnati, and 42,000 in New York. These numbers are for the diocese in each case, not merely for the city named.

These are startling figures in reply to your claim, that the system is giving general satisfaction as it is, and we have only just begun to operate outside of the system, having been unable to obtain justice within it. Large as these figures are, you will find them doubled, trebled and quadrupled in the coming years, as fast as we are able to erect new buildings to supply our wants.

Will you amend the law now while these hundreds of thousands of bright, sharp young Americans are willing to accept amendments, or will you wait? Do you think if you wait till these legions of trained minds come upon the scene as voters and workers in this fight, keenly alive to the injustice which throughout all their years of childhood has been perpetrated upon them, that you will get better terms than are offered now? And if you think you might be willing to agree to a just arrangement then, how much better to do it now?

It is true the system is breaking down; but it is not we who are destroying it. We are giving it double the aid of any other class of people. We pay our money regularly in support of it, and do not burden it with the care of our children. We do not think the system of free education will ever break down in this country; it certainly never will, so far as our people are concerned. The thing that will break down one of these days will be your unwise, illiberal and arbitrary management of it. It will not be long before the wiser heads among you will realize that the present Procrustean policy is unjust in principle and pernicious in results; then a proper change will be made, and the system, endowed with new life and receiving the hearty support of all classes of our people, will begin in earnest the great work of truly educating the children of this country; then it will be a system that all can defend and support, but not till then.

Wherever you look you will find there is a very large proportion of the children who do not and cannot avail themselves of the system as now managed. And how is it, right here in your own town? I am a new-comer here, and of course, cannot speak of my own knowledge; but I have asked a friend to get the figures for me, and to be particular and get them correct. They have been given to me by him as follows, which any of you can verify: Public school, boys, 96; girls, 29. Sisters' school, 89. Parochial school, 69. Mr. Springs' school, 12. One private school, 8, another 9, or 312 in all. Out of this 312, how many are in the public schools? Only 125—a great deal less than one-half! Evidently the system is not working very well here either, where, notwithstanding that all are taxed, more than half refuse to attend; yet these 125 children get all the money, and the 187 get nothing. By the school census it appears there are over 900 children in this county. Your system is conducted in such a way that, with all your efforts, you can get only 125 into your schools, and yet in your apportionment you are allowed money for over 900 children, and you educate only 125. Now, is this fair? Why should the money not be divided equally? The fund is gathered from the whole people; why should not the whole people have the benefit of it? Is there any difficulty in making the division? I tell you, if you were the ones that were hurt by it, you would soon find a way to divide it. Now, as a practical people, in a free country, legislating for the general good, claiming to allow full religious freedom, what are you going to do under the circumstances? Can you say in the face of

these facts, that the system is working well as it is? Can you say that a system works well which taxes one-half of the people for the exclusive benefit, practically, of the other half, and particularly when this is not a taxation of the rich for the benefit of the poor, but notoriously a taxation of the poor for the benefit of the rich? for it is undeniable that the great majority of the children who are now excluded from the schools on account of religious convictions are the children of poor people, children of the laboring class who can very ill afford to pay a tax at all, but to whom it becomes an absolute oppression to pay first a tax for gorgeous public school buildings, wherein the children of the rich may get their Latin, Greek, French, German and Music, gratis—things which it is a mockery to the poor to say they may also have it if they wish—and then, after that, draw upon their scanty savings for money to build their own school houses, and provide their own teachers for their children, and then pay you, after all, an additional tax on these same school buildings they have been obliged to erect for themselves? Can you look us in the face and say that such a system works very well as it is? Oh, yes; it works very well, so far as you are concerned. You get our money and do not have to expend it upon our children. It enables you to build palaces of learning, to engage the most skilled professors, to establish Normal schools, to carefully train your teachers; and no wonder you like it. Then you are so very generous withal as to boast to us of the superiority of your schools, built, in great part, with our money, and point contemptuously to the modest little showing we have been able to make with the little you have left us.

Did you ever hear the fable of the Boys and the Frogs? It was very good fun for the boys, but death to the frogs. We don't wonder that you are satisfied with the system. It's "nuts" for you, we know, and the longer we stay out the better you like it, provided always we pay. But do you think such a system can last very long in this country? I tell you that if you want to save the system, you had better begin and doctor it a little, before it is too late. It can't last always the way things are going on now, and it is the part of wise men to conciliate in time. You are, by your own acts, forcing the people, whom you charge as being opposed to the system, into the very position which will render them independent of it. You are compelling them to build their own schools by thousands, and to accustom themselves to voluntarily support them. Is not that actually driving them into a position of independence? When they get their school houses all built and their machinery fully organized, what need will they have of your system? and how could you expect them to favor it when it had operated on them in that manner? This question is really worthy of your consideration. Our demands ought to receive respectful attention, and not be so contemptuously cast aside.

FIGHTING FOR A PRINCIPLE.

We are not asking for much. We ask only to have the use of our own money. I imagine that when you come to count it out to us, and see how small a sum it is—for we are, as a class, very poor people, and do not pay a very large tax compared with the revenues of a State, though it is large to us—you will be astonished that we made such a fuss over so little. You may probably be inclined to feel as the highwaymen did toward the Scotchman. Did you ever hear the story? A Scotchman was assailed by three highwaymen who claimed his money or his life. He made a most desperate resistance, seriously injuring his opponents, and only after a hard fight was he overpowered. When they came to “investigate” him, they found nothing on him but a battered old sixpence.

“Why, the deuce take the fellow!” said one; “when he made such a fight for that, I suppose if he had had eighteen pence, he would have killed the whole of us.”

You see, they did not understand the motive of his resistance. Like us, he was fighting on principle. He did not want to be robbed.

Hampden refused to pay a few shillings of tax in the way of ship money. It did not amount to much, but it brought to the block the head of one of the proudest and most royal kings that ever sat upon a throne. It convulsed a nation, changed the civilization of a people, and struck terror to the hearts of kings and emperors throughout the civilized world. Oh, I tell you, the rights of a people are a dangerous thing to trifle with. True, we have now, thank God, an easier way to settle such disputes. The silent, softly-falling ballot does the work with us quietly, effectually, swiftly and securely. Do you think that remedy will not be resorted to if all other arguments fail? Do you wish to force such a fight? and are you willing to placidly declare that you will yield to nothing but force in this matter? That there shall be no discussion? Do you sustain the previous question on us? If so, it is you who force us to vote on the main question.

ARE WE TRYING TO BREAK DOWN THE SYSTEM?

The great, final, and, as you allege, overwhelming objection is this: that if we grant this privilege to one set of people, all the others will claim it, and our public schools will be broken up. Now, it seems to me a very singular objection to make to a law intended to render justice to all parties, that, if it passed, nearly everybody will accept the benefits of it. Why, I should think that would be one of the strongest arguments that could be urged in its favor. But how can you reconcile that proposition with the other one you assert with equal vehemence, that everybody but us is satisfied with the system as it is! You must be wrong in one or the other of these propositions. It is clearly impossible that everybody but us can be satisfied with the present system, and think it the best that can be devised; and yet that if you should permit a change,

everybody would eagerly avail himself of it. Now, which of these arguments will you stand on? I cannot contend against both in the one breath. It seems to me that either you must give up your proposition that everybody but us is satisfied, and admit that there is a general, wide-spread dissatisfaction on this subject of religious education, and that therefore the system needs overhauling and readjustment, and that our claims are just, or else you must give up your other proposition that to allow us to withdraw would break up the system. * * * I cannot pretend to argue with you on these two conflicting propositions until you declare which one of them you maintain to be true. But perhaps I may be permitted to throw in this remark: what is the vital principle in this law, which makes it a system? What is there systematic about a public school which distinguishes it from any other school? Two things I imagine you will claim, and two things only: First—that in the public school, tuition is free; but that is not a sufficient distinction, for our Parochial schools are also free. Second—and this we admit and claim is the only vital element distinguishing the system—that the fund to maintain these schools is raised by uniform taxation enforced by law. Now, how would permitting particular schools to be established and receive their share of the fund interfere with the distinguishing principle of raising the fund by taxation? Why, it is done every day now! New schools are constantly being established and their share of the fund allotted to them without experiencing any difficulty whatever. It is a mere question of detail for clerks and accountants to settle. The apportionments we ask for could be much more easily ascertained than the ones you now make. At present when a new school district is formed you have to send a Marshal all over the district and take a census of the children; you have to calculate the total number of children, and the proportion that number bears to the whole number in the county, and then divide the fund in the same proportion. The amendment we ask settles the whole matter, so far as we are concerned, at the time the money is paid, while the machinery as to public schools goes on as before. A certain corporation is granted the right to establish schools; as the taxes are paid in, the parties designate to which corporation they want their tax to go, and if they do not make such designation it goes to the common fund. The amount is credited to such corporation at once, or to the common fund. Every three months the Treasurer pays over the amount to which such corporation is entitled. It is a far simpler process than the one which is now used for public schools. So there is no difficulty on that score.

But you may say that a person might order his tax to be paid to a corporate school and then send his children to a public school, to which he has not contributed. Is there any difficulty about that? Would a parent who prefers to send his children to the public schools order his tax to be paid to a corporate school? But there may be cases, you will say, where he would. Well, the cases would certainly be rare; and have

you not machinery for the very same difficulty now? You do not allow a parent who lives in one district to send his children to the school of an adjoining district because he has not contributed to that school, and you have no difficulty in discovering and presenting any evasion of the law in this respect. I tell you, all that is necessary to do this thing is to have the will to do it. These matters of detail can be easily arranged.

Then you fall back on your duplicate and conflicting proposition that to allow us to withdraw would break up the schools; that everybody would withdraw and there would be no funds left for the public schools. Well, if all the children are withdrawn into these corporate schools, it is because the people unanimously prefer them. There would then be no children unprovided for; and what would you do with a balance of funds if you had it, if you had no children left to educate? Then I am sure you will double back and assert that when you say everybody would withdraw, you mean that a great many would remain. I have to follow you all around to get at your argument. Now, as to these children who remain. They are not orphans. Absolute orphans, with no one to look out for them at all, are provided for in asylums. These children who remain in the public schools after everybody has withdrawn, as you say, have some representatives, and, if their parents prefer the public schools, their taxes follow the children; they get their due and proper share first, like anybody else. Do you want them to have more than their share? They will get more than their share by the amendments we propose, because all taxes not especially directed to be paid to corporate schools lapse to the public schools, and the percentage of tax which will thus lapse through the carelessness or indifference of the tax-payer will be very large. Do you ask where shall the children go whose parents pay no tax? Let them do as they do now: go to whatever school they prefer. Do you ask if this would not allow the different corporations to get rid of their poor children, and throw them into the public schools by making their own schools unpleasant for them? Don't be alarmed. The different corporations, instead of driving such children out, will be hunting them up, and drawing them into their schools, and making things there as pleasant for them as possible, in order to give them religious instruction. The people who like public schools as at present conducted will simply be put on the same footing, with the same rights and privileges as those who don't like them. Do you want more than this? Do you want an unfair advantage? Now, I must follow you back to your other proposition, which is in direct conflict with the one I have just been alluding to—I say alluding to it; I cannot argue until you decide which one you will choose. At present you have two propositions to my one; and when I put my finger on you, on one of them, like the Irishman's flea, you are not there, but sitting up gay and lively on the other one, ready to hop back the moment I make that other position unpleasant for you. You say, then,

in the other proposition, that everybody is satisfied but us, and yet, elsewhere, that, to let us withdraw, will break up the system.

EFFECT OF OUR WITHDRAWAL.

You say that to let us withdraw will break up the system. Why, we have withdrawn our *children* already. All you have from us now is our money, which you force from us against our will. Do you mean to say that you cannot educate your children without our money, when we show you that we value education so highly that we submit to the robbery of that money, and yet, out of our own pockets, educate our own children besides, and pay taxes on the houses we do it in, too, while you have emptied your own buildings from all taxation? I should think you would be ashamed to make that admission. And do you not fear your children will blush to think that, though possessed of ample means, you were not willing to pay your share of the cost of their tuition, but compelled them to accept a large portion of it, in the form of an unwilling contribution, from, to a great extent, the children of their serjants? that by an arbitrary exercise of power, you took from your servants' scanty wages the money they needed for the education of their children, and compelled them to lavish it upon yours, and build up fancy schools for them where Latin, Greek, French, German, music, and all such high-flown instruction, can be had by your children free, while ours must be content with such rudiments of knowledge as we can afford to pay for out of our own pockets? And even this is not the limit of your oppression. With all this injustice weighing down upon us, to make us revolt against your management of the system, you devise new means to draw money from us. You get up balls, parties, fairs, lotteries, and such devices, to furnish additional funds to enable you to outshine us in the matter of splendid school-buildings and general outfit, to which we have no possible objection whatever. We do the same things for our own schools. What we do protest against, however, is this: You call upon us to join with you, and aid you in the battle against us; and when one of us has the independence to say, No, not while you continue to perpetrate upon us this glaring injustice, you rise *en masse* against us; you apply to us the most offensive epithets known to your extensive vocabulary, and would seem to be willing, not only to put us under a social ban, but actually sweep us out of existence. Now, this would seem to us exceedingly comical, were it not so decidedly unpleasant. Is there not something ludicrous as well as painful to see a person apply the lash to another with one hand, while at the same time extending the other hand for alms, and abusing his victim roundly if he does not give it? No; be a little just to us before you abuse us for not being generous to you. Give us a fair share in the benefits of the system of supporting schools by enforced taxation, and you will find us working hand in hand with you, shoulder to shoulder, in all honest efforts to educate the children of our country. You will find that, when you have gone to your farthest limits in self-

sacrifice in contributing to the cause of education, we will be far in advance of you, beckoning you on. We are paying now three taxes to your one for education; so you see we are not opposed to schools by any means. We believe in education; we prove it by our acts. We honor you for your devotion to the cause. We delight to see the interest you take in it. We hope you may always be devoted to popular instruction—the education of the masses. True education is almost divine in its nature, in this, that it draws us towards divinity. It is one of the most glorious things for which a sacrifice can be made. Americans are nobly right in worshipping it; but with them there is “a little rift within the lute,” and they must mend that rift to be able to produce harmonious results. Till this be done all is discord. They must abandon the Pagan idea that intellectual culture is sufficient. They must recognize God. They must give religious instruction as well as intellectual; and they must allow each parent to control the religious instruction of his child. Then the system will be humanly perfect; but, until then, all is wrong. Do not be alarmed at a subdivision of the schools: it may cost a little more *per capita*; but do not let us sacrifice all to the almighty dollar. With subdivided schools we may not have such grand educational edifices; but palatial structures are not necessary for the success of education. Some of our greatest men came from the log school-houses of the past, and even with subdivision, we can furnish all necessary accommodation. The principle is the main thing; bricks and mortar, logs and mud, are trifles in comparison. We say we are not satisfied as things now go; and even the *New York Times*, one of the most radical papers on your side, in an article regarding the teaching of the German language in the public schools of Ohio, says: “So long as the public schools exist, they certainly ought to be founded on a plan which is satisfactory to all classes attending them.” Just what we claim!

THE MAJORITY KNOW THEY ARE UNJUST.

Now, I know that your consciences are not easy on this matter, and the reason I think so is, that I can never get any of you to discuss the question on its merits—at least, I have never yet been able to do so. When we find a man charged with committing a wrong, who professes to be willing and anxious to vindicate himself but will not discuss the issue, and insists upon inquiring whether your wife’s aunt’s husband’s grandfather’s uncle did not, on a certain occasion, do certain things, then we infer that he is either trifling with us, or that he knows he is guilty, and seeks to evade the issue. We have charged that you are guilty of perpetrating on us an enormous fraud; we make our proofs that we have been robbed, are being robbed, and, unless you grant us some relief, must continue for some indefinite time to submit to this robbery. We charge that you are unfairly getting the benefit of this robbery; that you are a party to the fraud, and profiting by it, and we ask relief. Now, you may think there is no truth in the charge, and feel that you are not

called upon to deny it ; but, if you do undertake to deny it, let us argue the question at issue. Life is too short to argue everything ; and let us settle one thing at a time—that is, if you are going to take issue with us, let us settle the issue first, and then, if we feel disposed, we can talk of other things afterwards. We desire to meet you fairly in this matter, and discuss the issue with you in the best possible humor. It is a matter of public policy, in which we all feel a great interest. If we can meet, discuss and agree on some plan which will be satisfactory to all, well and good. We ought to try rational discussion first ; if that fails to bring us to an agreement, then each party must pursue his remaining remedies. The Hindoos say : “The snail sees only the walls of his shell, and thinks it the grandest palace in the universe.” Let us come out of our shell, look around a little, and see if we can’t get some new ideas about things, and not imitate the action of the cuttle-fish, which, when pursued (so naturalists tell us), settles down in the mud, and ejects a black secretion which so darkens the waters all around it that its real position cannot be ascertained.

THE CATHOLIC CHURCH AND EDUCATION.

Then you have another objection. You say you cannot yield to the demand for separate schools, because the Catholic Church would immediately withdraw its children and its money from the public schools, and that the Catholic children would not be educated at all, because the Catholic Church, you choose to say, is opposed to the education of the masses, and that it would teach them nothing but the Catechism, the Lives of the Saints and other things, which, you again choose to say, are all nonsense.

First, your main proposition on this head is untrue ; second, it is absurd. It is untrue that the Catholic Church is opposed to the education of the masses. As the history of the Catholic Church is the history of the whole world for the last nineteen hundred years, it is rather too large a subject to enter upon in detail in the limits of a lecture ; so we deny generally, and, as the lawyers say, move to strike out your allegations on this head as scandalous and impertinent, and on this motion we will take issue with you upon any fitting occasion. We also invite your attention to what would generally be considered a fair test. If there ever was a place where the Catholic Church had the power to act, it was in Rome, while the Pope was not only the visible head of the Church, but also the actual head of the State. If the Church were opposed to the education of the masses, there would, of course, have been no free schools for them in Rome. Well, we aver it as a fact, that, during the temporal reign of the present Pope, the city of Rome possessed a better system of free schools for the education of the masses, than this country has ever shown ; better taught free schools, and with a greater percentage of the population attending them, than anything that has ever been seen in the

public school system in America. Do you wish to take issue with us on that proposition? We claim that, on the trial, we can prove our allegations beyond question.

Your proposition, that the Catholic Church would not educate its children in secular as well as Christian knowledge, is absurd, because it would show that we would be willing to give up to you all the legitimate prizes and enjoyments of life, and make our children hewers of wood and drawers of water to you for all time. Now, do not expect people to believe that we are quite so stupid as that. But we will settle all disputes on this question right here. We will stipulate in the amendments we ask that no corporate school shall receive its share of the public funds, unless it is taught by teachers of the same qualifications as those possessed by teachers in public schools of similar character, and unless the teaching therein can be shown to be as satisfactory in secular matters as that which obtains in public schools of like grade; and, if you like, we will also agree that no such school shall receive any greater amount annually for each child taught therein than the annual cost for educating each child in the public schools, if you will make the agreement reciprocal. Give us a fair chance with you in the matter of money, buildings and appliances, and we shall invite comparison, not shun it. We shall be happy to engage in a generous rivalry with you on that point whenever you like.

CATHOLICITY AND CITIZENSHIP.

You say again, many of you, "Well, Catholics don't make good citizens, anyhow; they don't acknowledge the unlimited authority of the State, and we don't want to encourage their increase among us.

1st. We don't ask you to encourage their increase—that will get along without your help; but whence do you draw your right to try to prevent it? Are not all religions free in this country? Is not the principle of religious liberty the corner-stone of this Republic? Do you propose to destroy this government?

2d. Gentle Pharisees! when did you learn to thank God that you were better citizens than these other men? Do you obey the laws more faithfully, pay your taxes more regularly, give your lives more freely for the maintenance of good government, than these other men? Since when, pray? Oh, but you say, occasions may arise when these other men will not obey the law. And how about yourselves? Who are the people in this country who have talked most about higher law? What is the law? The will of the majority, simply as a majority, you answer; the will of the majority acting in accordance with divine authority, we reply. Between two classes giving such different answers, which one is most likely to obey the law when it is, in truth, founded on justice, but is repugnant to their feelings and injurious to their personal interests? Those who feel they must obey because they are forced, or those who submit from a sense of duty? If you reject divine authority in government,

you acknowledge the right of every man, or body of men, to evade or resist the law at will. You make the majority a mere mob, which it may be wise for the moment to obey, lest it crush you, but whose commands you have the *right* to resist by every means in your power ; or, rather, accept your doctrine, and there is no longer any such thing as right or wrong in anything. By it you abandon the whole idea of moral accountability : and yet you have the temerity to claim that, under your theory, men would be better citizens than under ours !

RIGHTS OF THE CITIZEN AND RIGHTS OF THE STATE.

Now, a word or two about my third general proposition, and I will then close, as I fear I have already trespassed too much upon the good-natured patience with which you have so far listened to me.

In that proposition I maintain that the State has no inherent right to teach at all. It may assist education, but has no right to control it. The distinction between teaching and assisting the teacher is as great as that between the architect who designs and directs the construction of an edifice, which shall be the wonder of distant ages, and the workmen who build it ; or between the musical composer, whose soul rises to such heights that he is able to comprehend the music of the spheres and transmit it to us below, and the men who play the notes he has written ; or between the great artist, under whose skillful touch the pallid canvas becomes almost a thing of flesh and blood, with power to chill the heart with horror or delight our souls with visions of celestial beauty, and the boy who grinds his paints ; or between the poet, who brings all nature within his ken and sends his words ringing down the halls of time, and the publisher who prints his works and pays his bills. That's the relation between the teacher and the State. The true teacher is from God, and his brow is ever illuminated by the halo of his divine mission. The State is of the earth, earthy. It has its humble office, to minister to the physical wants of the teacher, and provide him with the appliances necessary for his work. So long as it does this well, let it have due commendation ; but, when it presumes to play professor, then *ne sutor*. It may assist ; but control, never ! When it undertakes to control education, it interferes with religion, and destroys both civil and religious liberty. The plea of necessity will not cover it. It might with greater propriety say that some religious belief is necessary to make good citizens, and organize a broad church, prescribe its teachings, and say, that if people do not attend some other church, they must attend that one at least once a week. There is no doubt every good citizen ought to attend some church at least once a week ; but has the State a right to compel him to do so ? No ! because the concession of that right would be the destruction of individual liberty. For the same reason, the State has no right to attempt compulsory education. There may be no school in the vicinity to which a parent can conscientiously send his child ; and under such circumstances he may side with Professor Huxley, and say

he prefers to have his child wait for another opportunity, or, if necessary, grow up ignorant of both those mighty arts of reading and writing, rather than have him imbibe false notions as to his greatest duty on earth; for of all desolation that can come upon a human being, there is none so appalling as the gloomy thought that it has no religious faith, no settled idea of the origin or end of its existence, no firm belief as to whether it is only an animal, more or less beautiful, more or less intelligent, whose fate it is to live, die, rot, and be no more; or whether it has an immortal soul hurrying on to an eternal world, to meet there the great God who made all things, and who is waiting, with outstretched arms, to receive his wandering child and bless it with an immortal existence. No wonder they, who are in this desolation, look with longing eyes and aching hearts upon those who are so fortunate as to possess the priceless jewel of religious faith, and cry out in bitterness of soul, Oh! call it a dream, if you will: it is still a beautiful thought, consoling in all the ills of life; and would to God that I could believe it! No, this claim to the absolute control of our domestic affairs is a sacred right which we cannot yield to the State. To do it would be to accept the whole doctrine of socialism: to proclaim ourselves communists at once; to maintain that there is no such thing as any divine law about anything; and that there is no right whatever which can be lawfully asserted against the will of the majority. This is one of those terrible necessary consequences again. When you say the State is supreme in everything, you declare that, in this country, a bare majority of the people may change at will the whole social order in respect to every possible thing which may be imagined. There is a great difference between having the power to do a thing and having the right to do it. You may have numbers enough to give you the physical power to do anything you like, but the inherent right to do it is another thing.

When you once admit the paramount right of the State to control the individual in matters of conscience, you give up the whole principle of individual liberty. You not merely open the door to farther encroachments, you tear the door from its fastenings—nay, you destroy the whole edifice; you level all things before the advancing power of the State; you say to all men there is no God but the majority, no law but the law of numbers; gain your majority, and all things are at your mercy—life, liberty and property. When you admit that the State may enter the sacred precincts of home and tear your child from your arms to train it and teach it as it likes because a majority desire to do so, then you also admit to them that you have no right of any kind in your wife or daughters which they are bound to respect; you admit that this majority may, against your will, dissolve all domestic ties, and call upon the members of your family to submit to whatever outrages any wild, insane majority may choose to order; you admit that they may institute whatever of ancient Pagan rites they please, and compel your wives and daughters to submit to them. Are you ready for the laws of Lycurgus? Are you

ready to say the State may indicate to you which particular child you shall strangle in its cradle because the official physician declares that its physical development is not satisfactory to the State? Are you willing to say that the State may limit the amount of property you may own, the kind of house you may build, the clothes you shall wear, the food you shall eat, the opinions you shall entertain, the faith you shall hold, the woman you may marry, the wife you may keep? Are you ready to put yourself under the control of every communistic, socialistic agitator who may choose to incite the multitude against you? Are you ready to deny God, destroy society, and send everything headlong to the devil? How can you say nobody will try to do any of these things? What is it restrains them from doing it now? Two things. First, the lingering effects of a recognition of the divine law, for which law you now propose to substitute the will of the majority; second, the fact that the doctrine has not yet been declared that there is no individual liberty. But once admit the exclusive and absolute authority of the State in all things, or in anything which violates the liberty of conscience, and you sever every bond which holds society together. You make the mad orgie of the Commune days of Paris the normal state of our existence, and bring down upon us political anarchy, social chaos, and universal ruin.

CONCLUSION.

We submit our propositions. Will you argue them, or will you not? You have the power to say in what forum this issue shall be determined. The issue is made and must be met. Repressive measures cannot last forever in a free Republic. Why not discard the old tyrannical idea of force, and examine and dispose of this matter in the calm, clear light of reason? Why not take a statesman-like view of this tremendous conflict of opinion? Why not recognize that it does exist, has existed, and probably always will exist? Why not take it up and settle it in such a way that no one hereafter can have good reason to disturb it? There is no difficulty about it. The problem has been solved. The work has been half done already; we have only to complete it. The Church, after infinite struggle, has been set free. All that remains to finally, completely, and satisfactorily dispose of the whole matter is, to do for the school what you have done for the Church—that is, give freedom of instruction to all. The manner of supporting the school or the Church is a matter of detail, not of principle—a matter of tax or no tax, which you may arrange in either case as you wish, so long as you give each man his due; but the freedom of teaching is a vital principle, as to which both the Church and the school stand on the same footing. The two are inseparable, and the work is only half done while either is enslaved. You have no right to make a broad church, to which all parents must go; neither can you, in right, establish a broad school, which all children must attend, for the school is the church of the children, and the Church

is the school for the parents. So long as man shall exist, this conflict of opinion may endure. You can have peace on this question in but one of two ways, either by abolishing religious belief, or by conciliating it. Even if you could abolish it, how long would your social organization last? Not twenty-four hours! But we cannot hope to abolish it, and we dare not if we could. There is but one way left, and that is to conciliate it. We must labor at our laws until we get them in such shape that no considerable body of our people can honestly claim that they are the victims of a rank injustice; and of all questions on which it is necessary to be calm, considerate and just, this question of religious convictions and religious rights is the most important. Unsettled questions in this matter have, above all others, no mercy for the peace of mankind. Like the accusing vision of the murdered Banquo, they will not down. Why not cast aside the errors of the past, and set a bright example for the future? We are gathered together here from all parts of the globe. We are laying now the foundations for a future State. Let us lay them broad and deep—broad enough to cover every shade of religious belief, and so deeply planted in the principles of justice that they may stand forever. Let us set down upon our statute books a law which shall declare, in truth as well as in words, that civil and religious liberty is here fully guaranteed to all men; that here all men may be, indeed, truly free.

(END OF THE LECTURE.)

[See proposed School Bill on following pages.]



A P P E N D I X .

The following is a copy of the bill introduced in the Legislature a few days after the delivery of the foregoing lecture, and which was defeated in the Council by one vote only :

AN ACT TO PROVIDE FOR CORPORATIONS FOR EDUCATIONAL PURPOSES.

Be it enacted by the Legislative Assembly of the Territory of Arizona :

SEC. 1. That any ten or more persons, residents in any county of this Territory, may, at will, form themselves into a corporation for educational purposes.

SEC. 2. Such persons shall make and subscribe written articles of incorporation in triplicate, and acknowledge the same before any officer authorized to take the acknowledgment of a deed, and file one of such articles in the office of the Secretary of the Territory, another with the County Recorder of the County of which the incorporators are resident, and retain the third in the possession of the incorporation.

SEC. 3. The articles of incorporation, or a certified copy of the one filed with the Secretary of the Territory or the County Recorder, is evidence of the existence of such corporation.

SEC. 4. The articles of incorporation shall specify, first, the name assumed by the corporation and by which it shall be known; second, the duration of the corporation; third, its object; fourth, the place of formation and the county in which it proposes to carry on the business of the corporation.

SEC. 5. Upon the making and filing of the articles of incorporation as herein provided, the persons subscribing the same are incorporators, authorized to carry into effect the object specified in the articles, and they, and all persons who may hereafter become associated with them as members of said corporation, in accordance with the by-laws of said corporation, shall thereafter by the name assumed in such articles, be deemed a body corporate, with power—

1st. To sue and be sued.

2d. To contract and be contracted with.

3d. To have and to use a corporate seal, and the same to alter at pleasure.

4th. To purchase, possess and dispose of such real and personal property as may be necessary and convenient to carry into effect the object of the corporation.

5th. To appoint such officers and agents as the business of the corporation, may require, and prescribe their duties and compensation.

6th. To have and exercise all the rights, privileges and powers necessary and proper for carrying out the object of such corporation.

7th. To have the power to form a constitution and adopt by-laws, for its government, so far as they do not conflict with the Constitution and laws of the United States or the laws of this Territory; and all schools established by any corporation formed under the provisions of this Act shall, in all things, be under the exclusive control and management of such corporation.

SEC. 6. Whenever any person is called upon to pay any tax or fine levied by any competent authority for educational purposes, if he pay such tax or fine, the money so paid by him shall be devoted as follows:

1st. If he make no request as to any special disposition of such tax or fine so paid, it shall go to the benefit of the general public school fund as is now or may hereafter be provided for public school moneys as distinguished from corporate school moneys.

2d. If he direct that the whole or any portion of the amount of his tax or fine so paid, whether it be territorial, or county, or district or any other tax or fine for educational purposes, be paid to any educational corporation formed under the provisions of this Act, then the amount of such tax or fine so designated as to be paid to such corporation shall be paid to such corporation.

SEC. 7. All receipts for taxes or fines paid, which include a tax or fine for educational purposes, shall specify the amount of such educational tax or fine paid, and what order was made by the payer as to the distribution of the tax or fine so paid.

SEC. 8. It shall not be necessary that the educational corporation, to which the tax-payer desires his educational tax or fine to go, shall be specified by him in a technically correct manner; but, if it appear from his designation that he desired it to be diverted from the ordinary public school fund to some corporation formed under this Act, and it can be reasonably ascertained from his designation to which corporation he intended it to go, it shall go to such corporation; but in all cases where it is clear beyond a reasonable doubt that the intention of the payer cannot be ascertained, then the money so paid shall go to the general public school fund.

SEC. 9. It shall be the duty of every collector or receiver of any educational tax or fine to inform the person paying such tax or fine, at the time the same is received, that he may designate whether he wishes such educational tax or fine to be given to the general public school fund, or to any particular corporation formed under this Act, and that it must be paid in the manner he directs; and every failure of any such officer to fairly and substantially comply with this provision shall subject the officer so failing to a fine of \$50 and costs of the proceeding. The proceeding may be instituted by any person; and all fines adjudged shall be paid to the school fund of the county, as designated by the prosecutor in such proceeding, in the same manner as if the amount of the fine was an educational tax, to be paid by the said prosecutor.

SEC. 10. A corporation formed under this Act may establish one or more schools in the county where the corporation proposes to act.

SEC. 11. Any corporation formed under this Act shall be entitled to the writ of mandamus, as in other cases by the laws of this Territory provided, to compel any officer otherwise failing, neglecting or refusing to properly comply with the provisions of this Act.

SEC. 12. The District Courts established in this Territory, whether holding sessions as established by laws of the United States or by the laws of this Territory, shall have exclusive original jurisdiction of all alleged violations of this Act regardless of the amount involved in the controversy; and the

Supreme Court of this Territory shall have jurisdiction of all appeals from said District Courts in cases arising under this Act; and all of said Courts, in the consideration of such cases shall be governed by the rules of proceeding established for said Courts in civil cases.

SEC. 13. No portion of any school moneys so paid to any corporation formed under the provisions of this Act shall be devoted to any other than educational purposes, and to no other educational purposes than the education of children between the ages of six years and twenty-one years, and for the ordinary purposes of life.

SEC. 14. Any corporation substantially violating the provisions of the last preceding section shall forfeit its right to receive any moneys appropriated to it during the school year in which any such violation is adjudged by the courts to have occurred, and the money so forfeited by such corporation shall be appropriated to the general public school fund.

SEC. 15. All salaries provided by law to be paid to any Territorial or County Superintendent of Public Instruction shall be paid out of the general fund of the Territory or county, and not out of the school fund.

SEC. 16. It shall be the duty of the County Treasurer of each county—

1st. To receive and hold as a special fund all moneys paid into the Treasury to the credit of any corporation formed under this Act, whether received by him as territorial, county or district tax, or from any other source, and to keep a separate account thereof with each of such corporations and of the disbursements of such moneys.

2d. On the first Monday of January, April, July and October of each year, he shall notify each of such corporations in his county of the amount of money in his possession to the credit of such corporation from all sources received.

3d. He shall pay over to each of such corporations, on the warrant of the president of such corporation countersigned by the secretary, any or all of said moneys from whatever source received.

4th. He shall not transmit to the Territorial Treasurer any moneys paid to the credit of any corporation in his county formed under this Act, but shall pay all of said moneys directly to such corporation, as provided in this Act.

5th. In making his annual report to the Territorial Treasurer, he shall report all moneys received by him for the credit of corporations formed under this Act, and of the disbursements of the same.

SEC. 17. The Territorial Treasurer, in his annual report, shall make a separate statement of all moneys reported to him by the County Treasurer as received to the credit of corporations formed under this Act, and of the disbursements of the same.

SEC. 18. All corporations formed under this Act shall make an annual report to the Territorial Superintendent of Public Instruction at the same time that the County Superintendents of Public Instruction are required to report to the said officer. Such reports shall set forth—

1st. The amount of moneys received during the previous fiscal school year from the County Treasurer;

2d. The disposition made of the same;

3d. The number of schools established by such corporation;

4th. The number of days each of said schools have been in session during such year;

5th. The total number of pupils admitted in each of said schools ;

6th. The daily average attendance in each of said schools during the time the same was in session ;

7th. The number of teachers employed in each of said schools ;

8th. The average cost per day of educating a pupil in the schools established by such corporation ;

9th. Any statements, suggestions or recommendations such corporation may choose to make on the subject of education.

SEC. 19. The Territorial Superintendent of Public Instruction, in his annual report to the Territorial Board of Education, shall transmit a full and correct copy of the reports of all such corporations, which shall be considered a part of and published with his report ; and he shall be allowed twenty cents per folio of one hundred words for the copying of said report, to be paid out of the General Fund of the Territory by the Territorial Treasurer upon the warrant of the Territorial Board of Education.

SEC. 20. All lots, buildings or other school property, owned by any corporation formed under this Act, and devoted to the legitimate purposes of such corporation, shall be and the same are exempt from taxation and from sale under execution, or other writ or order, in the nature of an execution.

SEC. 21. All schools established by any corporation formed under this Act shall be known as corporate schools, as distinguished from public schools.

SEC. 22. Section 34 of the Act entitled an Act to establish public schools in the Territory of Arizona, approved February 18th, 1871, forbidding the giving of public money to schools where religious instruction is given, so far as the same is in conflict with this Act, and all Acts and parts of Acts in conflict with the provisions of this Act, are repealed, so far as they conflict with this Act.

SEC. 23. This Act shall take effect and be in force from and after its passage, and *shall* apply only to Pima county, of this Territory.

N. B —Any person reading this bill, who considers he observes any defect or any objectionable matter therein, will confer a favor by communicating his opinion thereon to the RIGHT REVEREND J. B. SALPOINTE, Tucson, Arizona Territory.

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CHIEF JUSTICE OF THE SUPREME COURT OF ARIZONA,

IN THE HALL OF THE HOUSE OF REPRESENTATIVES OF THE TERRITORIAL
LEGISLATURE AT TUCSON, ARIZONA, FEBRUARY 2D, 1875.

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BROTHER NO

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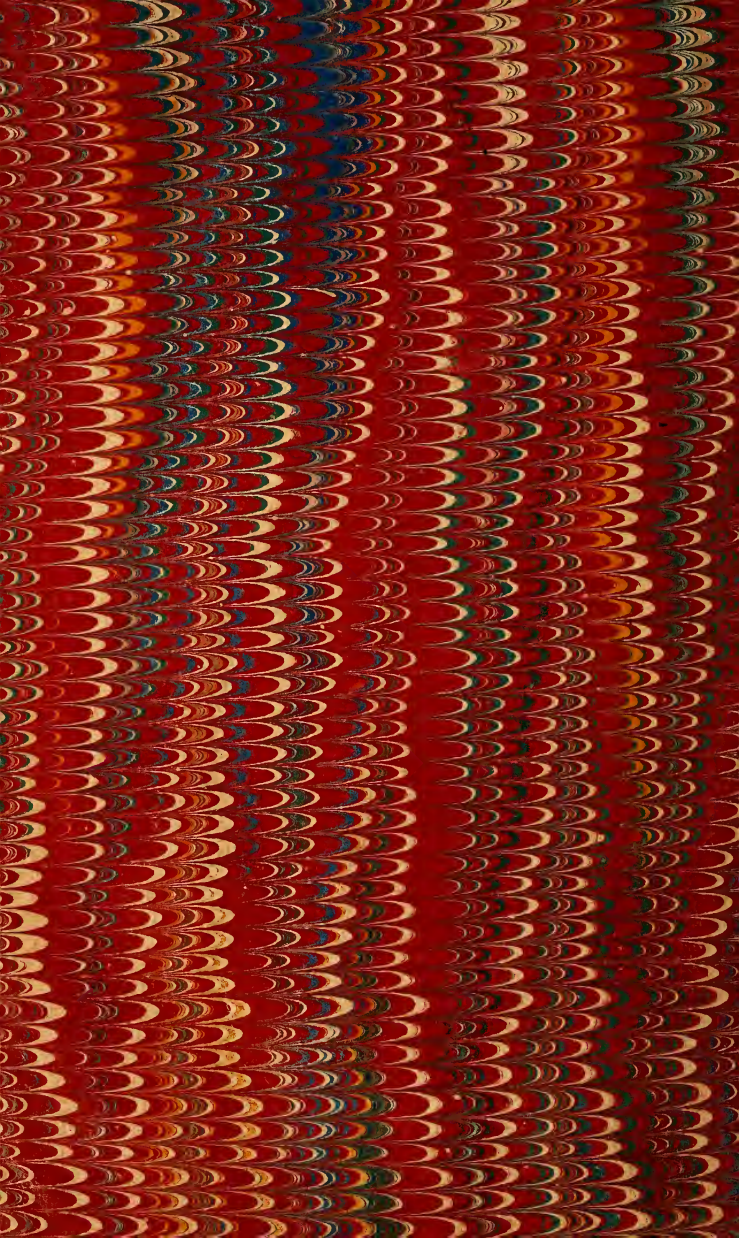
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